IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.710 OF 2006

In

NOTICE OF MOTION NO.3293 OF 2006

In

SUIT NO.2754 OF 2006

Ramnik Ravji Nathwani & Anr. : Appellants

(Orig. Plaintiffs)

V/s.

Chunilal L. Ashok : Respondent

(Orig. Defendant)

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Mr.J.S.Kini i/b. Ms Kinjal Haria for the appellants.

Mr.Manoj Upadhyay i/b. Mr.Vinod Sampat for the respondent.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : SEPTEMBER 26, 2006.

P.C.

1. We heard the counsel for the appellants and the counsel for the respondent for some time. We also perused the original document (agreement) dated 11.4.2006.

2. In view of the statement made by the counsel for the respondent (defendant) that for a period of four weeks,

the defendant shall not dispose of, sell or alienate or create any third party rights or interest in the subject property, we are satisfied that merits of the diverse contentions raised in the appeal need not be examined by us and the interest of justice shall be subserved by the following order:-

(i) The defendant (respondent) shall not dispose of, alienate, sell or create any third party rights or interest in the subject property for a period of four weeks.

(ii) Looking to the age of the defendant, we request the learned Motion Judge to hear and decide the Notice of Motion finally expeditiously and preferably before the expiry of four weeks from today.

(iii) We record the statement of the Advocate for the defendant that reply-affidavit in opposition to the Notice of Motion shall be filed within one week from today, with an advance copy to the Advocate for the plaintiffs.

(iv) In case the Notice of Motion is not heard and disposed of by the learned Motion Judge finally within four weeks from today, liberty is granted to

the plaintiffs to apply to the learned Motion Judge for extension of the ad-interim order.

Appeal stands disposed of.

R.M. LODHA, J.

S.A. BOBDE, J.